

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
(Martinsburg Division)**

CHRISTOPHER L. WOJDAG,

Plaintiff,

v.

Civil Action No.: 3:22-cv-16 (Groh)

SCHNEIDER NATIONAL CARRIERS, INC.,  
CT CORPORATION SYSTEM, Registered Agent,  
and NELSON B. GARCIA, JR.,

Defendants.

ELECTRONICALLY FILED 2/9/2022 U.S. DISTRICT COURT Northern District of WV
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**NOTICE OF REMOVAL**

NOW COMES Defendant, Schneider National Carriers, Inc. (hereinafter "Defendant SNC"), by and through its undersigned attorneys, and files this Notice of Removal to remove Civil Action No. 21-C-360 in the Circuit Court of Berkeley County, West Virginia (the "State Court Action") to the United States District Court for the Northern District of West Virginia (the "Court"), pursuant to 28 U.S.C. §§1332, 1441(a) and 1446(a), and in support thereof states as follows:

1. On or about December 17, 2019, Christopher Wojdag (hereinafter "Plaintiff") filed his Complaint sounding in negligence and vicarious liability in the Circuit Court of Berkeley County, West Virginia, where it is pending as Civil Action No. 21-C-360. A true and accurate copy of the Complaint in the State Court Action is attached hereto as Exhibit A.
2. Defendant SNC was served with the Complaint on January 10, 2022. Accordingly, the time within which Defendant SNC is required to file the Notice of Removal of this action to the United State District Court for the Northern District of West Virginia has

not expired at the time of its filing and service.

3. Copies of all pleadings, process, orders, and other filings in the suit are attached to this notice as required by 28 U.S.C §1446(a). *See* Exhibit B. A true and correct copy of the Docket Sheet maintained by the Circuit Court of Berkeley County is attached hereto as Exhibit C.

4. As grounds for said removal, this Defendant states that this civil action is one which may be removed to the United States District Court by this Defendant herein, pursuant to the provisions of 28 U.S.C. §1441 (1991), in that this Defendant who is a real party-in-interest and who has been properly joined and served is not a citizen of the State of West Virginia, where the action was brought.

5. Upon information and belief, Plaintiff is a resident of Louisa, Virginia.

6. Co-defendant Nelson Garcia is a resident of New York, New York. Further, Defendant Garcia consents to removal of this civil action to Federal Court.

7. Defendant SNC is, and was at all times relevant hereto, a corporation organized and existing under the laws of the State of Nevada and registered to transact business within the state of West Virginia, and with its principal place of business located at 3101 S. Packerland Drive, Green Bay, Wisconsin.

8. There is complete diversity of citizenship among the parties to this matter, for purposes of this Court's exercise of jurisdiction pursuant to 28 U.S.C. §1332.

9. According to Plaintiff's Complaint, on or about December 17, 2019, Plaintiff Christopher Wojdag was involved in a rear-end collision with Co-Defendant Garcia while Mr. Garcia was operating a tractor-trailer owned by Defendant SNC, wherein Plaintiff alleges to have suffered past, present and future "pain; bodily injuries; anxiety related to his

physical pain and injuries; worry related to his physical pain and injuries; inability to conduct his business; inability to conduct his activities of enjoyment; lost wages and other income, lost future wages and other income, and lost the capacity to earn future wages and other income, medical treatment; medical bills; inconvenience; and other forms of damage as enumerated in W.Va. P.J.I. §801.” See Exhibit A, ¶ 23.

10. The United States District Court for the Northern District of West Virginia has jurisdiction over the above-captioned action under the provisions of 28 U.S.C. §1332 (1996), in that this civil action wherein the matter in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of different states.

11. It is believed this action concerns a matter in controversy exceeding the sum or value of \$75,000.00, exclusive of interest and costs. Specifically, upon information and belief, Plaintiff contends to have suffered a neurologic and/or brain-related injury as a result of the alleged accident. Additionally, prior to the filing of this Notice, Plaintiff was served with requests for admission by Co-Defendant Nelson Garcia to determine whether Plaintiff was able to stipulate to the amount in controversy, wherein Plaintiff denied the amount in controversy was less than or equal to \$75,000.00. See Exhibit D, *Plaintiff's Responses to Defendant Garcia's Requests for Admission*.

12. The Circuit Court of Berkeley County is within the Northern District of West Virginia, and accordingly removal to the Northern District of West Virginia is proper pursuant to 28 U.S.C. §1441(a).

13. In accordance with 28 U.S.C. §1446(d), concurrent with the filing of this Notice of Removal, copies of this Notice of Removal and all supporting papers will be

promptly served on Plaintiff's counsel and filed with the Clerk of the Circuit Court of Berkeley County. Accordingly, all procedural requirements under 28 U.S.C. §1446 have been satisfied. A copy of the State Circuit Court Notice of Removal is included in Exhibit B.

14. By filing this Notice of Removal, this Defendant does not waive any defense which may be available to it in this action.

**WHEREFORE**, Defendant Schneider National Carriers, Inc. respectfully requests that this case be removed from the Circuit Court of Berkeley County, West Virginia, to the United States District Court for the Northern District of West Virginia, and this Honorable Court assume subject-matter jurisdiction over this action on the diversity jurisdiction grounds set forth in this Notice of Removal.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, L.C.

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Schneider National Carriers, Inc.*

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Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of February, 2022, I electronically filed the foregoing *Notice of Removal* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

M. Bryan Slaughter, Esq.  
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